

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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M/A-COM, INC.,

Petitioner,

-v-

ERIC RAINER BASHFORD,

Respondent.
----- x

07 Civ. 8343 (JSR)

ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7-7-08

JED S. RAKOFF, U.S.D.J.

On December 13, 2007, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned case recommending that the action be remanded to the New York State Supreme Court, Westchester County, and that Respondent Bashford be directed to show cause why his conduct did not violate Rule 11(b) of the Federal Rules of Civil Procedure.

After the Report issued, Respondent filed a letter, dated January 4, 2008, which contains both objections to the Report and Recommendation and a request that the Court "cancel, withdraw or otherwise nullify" Respondent's removal petition. See Respondent's Objection to Report and Recommendation of Magistrate Fox Dated December 13, 2007 at 2. Because, having considered the matter de novo, the Court agrees with Judge Fox that removal was improper, and because Respondent has now withdrawn his removal petition, the action is hereby remanded to the New York State Supreme Court, Westchester County. However, the Court declines to impose sanctions under Fed. R. Civ. P. 11.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
July 3, 2008